

REMARKS

Claims 1 - 6, 13 - 18, 25 and 27 are currently pending in the application. The claims have been amended to address formal matters raised by the Examiner and should be in condition for consideration and allowance. The undersigned appreciates the Examiner's indication that previous rejection lodged under 35 U.S.C. 101 and 35 U.S.C. 112, 2nd paragraph.

By this amendment, claims 1 - 6, 13 - 18, 25 and 27 are amended for the Examiner's consideration. The foregoing separate sheets marked as "Listing of Claims" shows all the claims in the application, with an indication of the current status of each.

Claims 1 - 6, 13 - 18, 25 and 27 have been amended to correct the inconsistent language of the claims relative to performing an auction for "products" or "product types" as noted by the Examiner. The Examiner has correctly stated that the auction capabilities of the subject invention are for product types. This is clearly stated in each of the original independent the claims 1, 13, 25, and 27, "...receiving bids, for each **product type** in a transaction..." The amendments to the claims include revising the preambles of each of the independent claims 1, 13, 25, and 27 to include the phrase, "...each product type of multiple product types..." Furthermore, other occurrences of the word "*product*" have been amended to read "*product types*" where appropriate throughout all the amended claims 1 - 6, 13 - 18, 25 and 27.

Claims 1, 13, 25, and 27 have also been amended to more clearly specify the concept that a product type in the subject invention is actually a known combination of multiple products (i.e., computer and printer, etc.). This concept is discussed in the specification on pages 6 and 7, paragraphs [0020] through paragraph [0026]. These paragraphs define the concept of product type as a combination of products. Thus, the term "product type" used in the claims is actually multiple products configured together. Since product type as a combination of multiple products is discussed within the specification, this amendment does not constitute new matter.

Claim 13 has been amended to provide a typographical revision in which the word “said” was unintentionally left out of the phrase, “...received from said at least one computer or from multiple computers within said network of computers.” This revision provides proper antecedent language for the claims.

Claim 25 was amended to include a typographical revision that unintentionally left out the word, “bids” when the previously submitted amendment was made. The use of the word “bids” is in claim 25 in the step previous to the one identified by the Examiner. The discussion of this requirement is also provided in the specification on page 10, paragraph 36 which identifies that bids are received and are elements of the bid set. Therefore, this amendment is fully supported by the claims and the specification and does not constitute new matter.

Formal drawings will be provided at such time as a notice of allowance is mailed.

Claims 1-6, 13-18, 25 and 27 have been rejected under 35 U.S.C. 112, second paragraph as being indefinite. This rejection is traversed.

Independent claims 1, 13, 25 and 27 and the associated dependent claims 2-6 and 14- 8 have been rejected for having language that causes the metes and bounds of the these claims to be unclear relative to “products” verses “types of products.” Claims 1 - 6, 13 - 18, 25 and 27 have been amended to use the language associated with “product types” instead of just “products” as suggested by the Examiner. These amendments, as discussed above, are fully supported by the original claims and the specification and do not, therefore, constitute new matter. These claims should now be in proper form for allowance.

The Examiner has also rejected claims 3, 5, 15 and 17 stating that the value of “k” is unclear between the specification and the claims. This rejection is traversed.

The Examiner has cited paragraph 10 on page 3 as stating k has a value between 0 and n+1. This paragraph actually requires k to be between 1 and n+1 and is in the related arts section of the specification. That is, the requirement that k be between 1 and n+1 is not a requirement of the subject invention, but rather part of the

discussion of the related art and is not a requirement for the subject invention. There are paragraphs throughout the specification that relate to the subject invention claims 3, 5, 15 and 17 for k to be between 1 and n and can be found specifically in paragraph 32, page 9 which states, "...k denotes an integer equal to or greater than 1 and equal to or smaller than n..."

Claim 13 has been amended to use the corrected antecedent language, "...received from said at least one computer or from multiple computers within said network of computers" as discussed above.

Claim 25 has been amended to include the word "bids" which was unintentionally deleted from the previously submitted amendment as discussed above.

Claims 1 - 6, 13 - 18, 25 and 27 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Dietrich (2003/0018560 A1). This rejection is traversed.

With respect to claims 1, 13, 25 and 27, Dietrich in paragraph [0023] constrains the user to **one single item per bid**. That is, Dietrich can only process bids for one particular product at a time. The bid can have a constraint associated with it however, this is still not the same as a system that can handle bids on multiple products within the same bid when the multiple products have been combined to form various product types as for the subject invention. The amended claims clearly define product type as including multiple products as stated in the independent claims, "...said each product type, wherein said each product type is a known configuration **combining more than one product**..." The designation of product type to include multiple products is fully supported in paragraphs [0020] through paragraph [0026] of the subject invention.

Specifically, the subject invention allows the bidder to submit bids for multiple products within a product type designation. These multiple products are bid as a product type within a range of possible multiple product types. For example, a computer combined with a printer is one product type while a computer with a facsimile machine is a different product type. Thus, the subject invention is addressing the maximum gain when there are multiple products within the product type for which

JP92000253

10/003,684

00280823AA

the bids are received. As Dietrich is drawn to auctions that only allow bids for each product individually, it is not obvious that a modification of Dietrich would result in the subject invention.

In view of the foregoing, it is requested that the application be reconsidered, that claims 1 - 6, 13 - 18, 25 and 27 be allowed, and that the application be passed to issue.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at 703-787-9400 (fax: 703-787-7557; email: mike@wcc-ip.com) to discuss any other changes deemed necessary in a telephonic or personal interview.

If an extension of time is required for this response to be considered as being timely filed, a conditional petition is hereby made for such extension of time. Please charge any deficiencies in fees and credit any overpayment of fees to Deposit Account 50-0510 (IBM-Yorktown).

Respectfully submitted,



Michael E. Whitham
Reg. No. 32,635

Whitham, Curtis & Christofferson, P.C.
11491 Sunset Hills Road, Suite 340
Reston, VA 20190
703-787-9400
703-787-7557 (fax)